

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

ANDREW PATRICK OBRIEN,  
Plaintiff,  
v.  
TEAM SAN JOSE,  
Defendant.

Case No. 22-cv-07152-PCP

**ORDER DISMISSING CASE**

Re: Dkt. No. 23

On November 15, 2022, pro se plaintiff Andrew OBrien filed this lawsuit against Team San Jose, alleging violations under Title VII and California's Fair Employment and Housing Act for imposition of a workplace vaccine mandate. OBrien asserts that his sincerely held religious belief in "human rights" was violated by the vaccine mandate. After the Court found that both OBrien's initial complaint and first amended complaint failed to state a claim, OBrien filed his second amended complaint on April 5, 2023. ECF No. 19.

On September 26, 2023, Magistrate Judge Cousins issued a Report and Recommendation in which he requested reassignment of the case to a district court judge and recommended dismissal of OBrien's case, without leave to amend, for failure to state a claim. ECF No. 23. No objection to the Report and Recommendation was filed within the applicable 14-day deadline. Pursuant to Judge Cousins's request, the case was reassigned to District Court Judge P. Casey Pitts on September 26, 2023. The Court now adopts Judge Cousins's Report and Recommendation and dismisses the case without leave to amend and with prejudice.

**IT IS SO ORDERED.**

Dated: October 23, 2023



P. Casey Pitts  
United States District Judge

United States District Court  
Northern District of California

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